

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
vs.) No. 3:19-CR-64
) 3:20-CR-14
LUCKY J. CLARK)

ORDER

Magistrate Judge C. Clifford Shirley filed a report and recommendation recommending the Court: (1) find that the plea hearing in this case could not be further delayed without serious harm to the interests of justice; (2) grant Defendant's motion to withdraw his not guilty plea to the charges of the Indictment in Case No. 3:19-CR-64; (3) accept Defendant's plea of guilty to the charge in Count 3 of the Indictment in Case No. 3:19-CR-64, charging him with possession with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D); (4) accept Defendant's plea of guilty to the charge in the Information in Case No. 3:20-CR-14, charging him with possession of a firearm by an unlawful user of a controlled substance, in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2); (5) adjudicate Defendant guilty of the charge set forth in Count 3 of the Indictment in Case No. 3:19-CR-64; (6) adjudicate Defendant guilty of the charge set forth in the Information in Case No. 3:20-CR-14; and (7) find Defendant shall remain in custody until sentencing in this matter [Doc. 91], the matter of custody to be addressed

by separate order. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 71] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) The Court finds that the plea hearing could not be further delayed without serious harm to the interests of justice.
- (2) Defendant's motion to withdraw his not guilty plea to the charges of the Indictment in Case No. 3:19-CR-64 is **GRANTED**;
- (3) Defendant's plea of guilty to the charge in Count 3 of the Indictment in Case No. 3:19-CR-64 charging him with possession with intent to distribute marijuana, in violation of 21 U.S.C. § §§ 841(a)(1) and 841(b)(1)(D) is **ACCEPTED**;
- (4) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count 3 of the Indictment in Case No. 3:19-CR-64;
- (5) Defendant's plea of guilty to the charge in the Information in Case No. 3:20-CR-14 charging him with possession of a firearm by an unlawful user of a controlled substance in violation of 18 U.S.C. § §§ 922(g)(3) and 924(a)(2) is **ACCEPTED**;
- (6) Defendant is hereby **ADJUDGED** guilty of the charge set forth in the Information in Case No. 3:20-CR-14; and

(7) Defendant **SHALL REMAIN** in custody pending a resolution of his motion for release from custody pending his sentencing hearing.

(8) Defendant's sentencing hearing shall be held at **11:00 a.m. on October 26, 2020.**

SO ORDERED.

ENTER:



Tamara T. Reeves
CHIEF UNITED STATES DISTRICT JUDGE